

10:12:56 1

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UNITED STATES DISTRICT COURT

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SOUTHERN DISTRICT OF OHIO

10:12:56 4

WESTERN DIVISION

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ESTATE OF ROGER D. :

10:12:56 6

OWENSBY JR., et al., :

10:12:56 7

Plaintiffs, :

10:12:56 8

vs. :

Case No. 01-CV-769

10:12:56 8

(Judge S. A. Spiegel)

10:12:56 9

CITY OF CINCINNATI, :

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et al., :

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Defendants. :

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Deposition of CHRISTOPHER CAMPBELL,

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defendant herein, called by the plaintiffs for

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10:12:56 14

cross-examination, pursuant to the Federal Rules of

10:12:56 14

10:12:56 15

Civil Procedure, taken before me, Wendy Davies

10:12:56 15

10:12:56 16

Welsh, a Registered Diplomate Reporter and Notary

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Public in and for the State of Ohio, at the offices

10:12:56 17

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of Helmer, Martins & Morgan Co. LPA, 1900 Fourth &

10:12:56 18

10:12:56 19

Walnut Centre, 105 East Fourth Street, Cincinnati,

10:12:56 19

10:12:56 20

Ohio, on Wednesday, December 3, 2003, at 2:31 p.m.

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COPY

Merit

602 Main Street, Suite 703, Cincinnati, OH 45202
(513) 381-8228 * (800) 578-1542 * www.merit-ls.com

14:44:46 1 November 7, 2000 you drove your Golf Manor cruiser
14:44:54 2 to the Sunoco station at the corner of Seymour
14:44:57 3 Avenue and Langdon Farm Road in response to an
14:45:01 4 officer needs assistance call; is that right?

14:45:04 5 A. Yes.

14:45:05 6 Q. Starting with that would you walk me
14:45:10 7 through what happened that evening.

14:45:12 8 A. After I arrived at the --

14:45:14 9 Q. No. From the time you hear an officer
14:45:15 10 needs assistance call, you're at the Golf Manor
14:45:19 11 station, police station, I guess. What happens at
14:45:24 12 that point?

14:45:27 13 A. I heard the broadcast, all-county
14:45:30 14 broadcast. I responded to that area to try to
14:45:35 15 render assistance to any officers.

14:45:37 16 Q. When you heard the broadcast how did you
14:45:39 17 hear it? Is it on your mike that's on your uniform
14:45:43 18 or is there some other radio or something?

14:45:45 19 A. It was on the radio that I carry on my
14:45:47 20 duty belt.

14:45:48 21 Q. Were you with Officer Heiland at the time?

14:45:51 22 A. He was in the room.

14:45:54 23 Q. So it was broadcast over both of your
14:45:56 24 radios?

14:45:57 1 A. Yes.

14:45:58 2 Q. Please continue.

14:45:59 3 A. I responded to the parking lot. As I was
14:46:10 4 getting out I remember hearing a dispatcher tell us
14:46:16 5 to code 4, which means that the situation was over.
14:46:20 6 That was as I was exiting my vehicle. And it was at
14:46:25 7 that time I saw Cincinnati officers moving a suspect
14:46:29 8 towards Officer Heiland's car. And I advised -- I
14:46:34 9 hadn't had a chance to advise that I was in the lot
14:46:36 10 yet. And I advised I was clear on her information,
14:46:39 11 but would be remaining there, because Cincinnati was
14:46:42 12 putting their prisoner in one of our cars.

14:46:45 13 Q. When you say you advised her, who is the
14:46:48 14 "her" you're referring to?

14:46:50 15 A. The Hamilton County dispatcher.

14:46:54 16 Q. What happened next?

14:46:57 17 A. I can't recall the details. We basically
14:47:06 18 were waiting there for a Cincinnati officer to get
14:47:11 19 their prisoner out of our car.

14:47:12 20 Q. Did you see the Cincinnati police officers
14:47:16 21 physically put Mr. Owensby in Officer Heiland's car?

14:47:22 22 A. No, I didn't.

14:47:24 23 Q. Your attention was directed somewhere
14:47:26 24 else?

15:15:54 1 placed in the back seat of your car, in their
15:15:59 2 jurisdiction, did you believe that you had any
15:16:12 3 obligation to provide medical assistance for that
15:16:12 4 injured prisoner?

15:16:12 5 MR. WEISENFELDER: Objection.

15:16:12 6 Go ahead.

15:16:12 7 A. No.

15:16:18 8 Q. As of November 7, 2000 had you received
15:16:21 9 any training or counsel from any superiors at Golf
15:16:29 10 Manor as to what your obligations would be if an
15:16:32 11 injured prisoner from another police department was
15:16:38 12 placed in your car? What your obligations or duties
15:16:43 13 would be to that injured prisoner?

15:16:45 14 A. Not another department's prisoner.

15:16:48 15 Q. No discussion of that by anyone from Golf
15:16:52 16 Manor with you?

15:16:52 17 A. I can't recall.

15:16:57 18 Q. You don't recall seeing any kind of
15:17:00 19 communication, a written communication of some sort,
15:17:04 20 concerning what your obligations would be in those
15:17:08 21 circumstances?

15:17:08 22 A. No.

15:17:17 23 Q. Go to page 67. At line 17 you say, "When
15:17:38 24 I first pulled up I was just opening my door when a

15:28:19 1 Q. If Officer Brazile had said what I just
15:28:22 2 read to you from his deposition, based on your
15:28:27 3 training and your experience with Golf Manor, would
15:28:32 4 you feel that you had a duty to check on the
15:28:34 5 condition of Mr. Owensby?

15:28:36 6 MR. HARDIN: Objection.

15:28:37 7 MR. WEISENFELDER: Objection.

15:28:39 8 A. I would ask the city to check their
15:28:41 9 prisoner.

15:28:42 10 Q. In the time that you and Officer Heiland
15:28:46 11 were standing outside the car did either you or
15:28:51 12 Officer Heiland ever ask the city to check on the
15:28:54 13 prisoner?

15:28:55 14 A. No.

15:29:15 15 Q. Take a look at Exhibit 78, please.
15:29:51 16 Exhibit 78 is a mutual aid agreement between
15:29:57 17 Cincinnati and various municipalities in the greater
15:30:05 18 Cincinnati area. Have you had occasion to look at
15:30:08 19 that mutual aid agreement before today?

15:30:12 20 A. No.

15:30:13 21 Q. Have you ever received any instruction
15:30:14 22 from Golf Manor concerning the mutual aid agreement?

15:30:20 23 A. I can't remember specific instruction.

15:30:23 24 Q. Do you recall receiving any memos or any